

AMENDED IN SENATE JANUARY 4, 2016

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 512

Introduced by Senator Hill

February 26, 2015

An act to amend ~~Section 13300 of the Penal Code, relating to criminal history information.~~ *Sections 306, 311.5, 910.1, and 1701 of, to add Section 1711 to, and to repeal and add Section 910 of, the Public Utilities Code, relating to the Public Utilities Commission.*

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Hill. ~~Criminal History Information: Health Services Personnel.~~ *Public Utilities Commission.*

(1) The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities. The Public Utilities Act provides that the office of the commission shall be in the City and County of San Francisco, that the office always be open, except on legal holidays and nonjudicial days, that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco, and authorizes the commission to meet at those other times and places as may be expedient and necessary for the proper performance of its duties.

This bill would require that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco or the City of Sacramento and would require that the commission hold no less than 6 sessions each year in the City of Sacramento.

(2) The California Constitution authorizes the commission to establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law requires the

commission to determine whether a proceeding requires a hearing and, if so, to determine whether the matter requires a quasi-legislative, an adjudication, or a ratesetting hearing. For these purposes, quasi-legislative cases are cases that establish policy, including rulemakings and investigations which may establish rules affecting an entire industry; adjudication cases are enforcement cases and complaints except those challenging the reasonableness of any rates or charges; and ratesetting cases are cases in which rates are established for a specific company. Existing law requires the commission to publish and maintain certain documents on the Internet, including a docket card that lists all documents filed and all decisions or rulings issued in those proceedings, as provided.

This bill would make the Administrative Adjudication Code of Ethics applicable to administrative law judges of the commission. Except in adjudication cases, the bill would require the commission, before instituting a proceeding on its own motion, where feasible and appropriate, to seek the views of those who are likely to be affected by a decision in the proceeding. The bill would require the commission to include a docket card that lists the public versions of all prepared written testimony and advice letter filings, protests, and responses on its Internet Web site. The bill would require the commission to make additional information available on the Internet, including information on how members of the public and ratepayers can gain access to the commission's ratemaking process.

(3) The Public Utilities Act requires the commission to develop, publish, and annually update an annual workplan that does all of the following: (A) describes in clear detail the scheduled ratemaking proceedings and other decisions that may be considered by the commission during the calendar year, (B) includes information on how members of the public and ratepayers can gain access to the commission's ratemaking process and information regarding the specific matters to be decided, (C) includes information on the operation of the office of the public adviser and identifies the names and telephone numbers of those contact persons responsible for specific cases and matters to be decided, and (D) includes a statement that specifies activities that the commission proposes to reduce the costs of, and rates for, energy, including electricity, and for improving the competitive opportunities for state agriculture and other rural energy consumers. The act requires the commission to submit the workplan to the Governor and Legislature by February 1 of each year.

This bill would require the commission to develop, publish, and annually update a report that contains certain specified information, as provided, and would expand the requirement that the workplan, as part of that report, describe in clear detail the scheduled proceedings that may be considered by the commission during the calendar year to include all proceedings and not just ratemaking proceedings. The bill would additionally require that the report include performance criteria for the commission and executive director and evaluate the performance of the executive director during the previous year based on the criteria established in the prior year's workplan. The bill would require the commission to post the report in a conspicuous area of its Internet Web site and disseminate the information in the report, as provided.

(4) The Public Utilities Act requires the commission to submit a report to the Legislature on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings.

This bill would delete the requirement that the report include the number of cases where resolution exceeded the time periods prescribed in scoping memos and instead would require the commission to annually submit a report to the Legislature on the commission's timeliness in resolving cases and include information on the disposition of applications for rehearings. The bill would require that the report include the number of scoping memos issued in each proceeding and to include the number of orders issued extending the statutory deadlines for all adjudication, ratesetting, and quasi-legislative cases.

~~Existing law requires a local criminal justice agency to record and store specified arrest and identification data, also known as local summary criminal history information, regarding persons arrested by the agency. Existing law requires each local agency to furnish local summary criminal history information to specified entities, including, but not limited to, the courts of the state, peace officers, district attorneys, probation officers, and parole officers, when the information is needed in the course of their duties.~~

~~This bill would require local criminal justice agencies to additionally furnish summary criminal history information to city, county, and city and county health services personnel who are engaged in efforts to identify and treat individuals who have alcohol abuse, substance abuse, or mental health issues, for the purpose of providing assessment, treatment, rehabilitation, or other health care to those individuals. By imposing new duties upon a local criminal justice agency with respect~~

to furnishing local summary criminal history information, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 306 of the Public Utilities Code is
2 amended to read:

3 306. (a) The office of the commission shall be in the City and
4 County of San Francisco. The office shall always be open, legal
5 holidays and nonjudicial days excepted. The commission shall
6 hold its sessions at least once in each calendar month in the City
7 and County of San Francisco. ~~Francisco or the City of Sacramento.~~
8 The commission may also meet at such other times and in such
9 other places as may be expedient and necessary for the proper
10 performance of its duties, and for that purpose may rent quarters
11 or offices. *The commission shall hold no less than six sessions*
12 *each year in the City of Sacramento.*

13 (b) The meetings of the commission shall be open and public
14 in accordance with the provisions of Article 9 (commencing with
15 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
16 the Government Code.

17 In addition to the requirements of Section 11125 of the
18 Government Code, the commission shall include in its notice of
19 meetings the agenda of business to be transacted, and no item of
20 business shall be added to the agenda subsequent to the notice in
21 the absence of an unforeseen emergency situation. A rate increase
22 shall not constitute an unforeseen emergency situation. As used
23 in this subdivision, “meeting” shall include all investigations,
24 proceedings, and showings required by law to be open and public.

25 (c) The commission shall have a seal, bearing the inscription
26 “Public Utilities Commission State of California.” The seal shall

1 be affixed to all writs and authentications of copies of records and
2 to such other instruments as the commission shall direct.

3 (d) The commission may procure all necessary books, maps,
4 charts, stationery, instruments, office furniture, apparatus, and
5 appliances.

6 *SEC. 2. Section 311.5 of the Public Utilities Code is amended*
7 *to read:*

8 311.5. (a) (1) Prior to commencement of any meeting at which
9 commissioners vote on items on the public-~~agenda~~ *agenda*, the
10 commission shall make available to the public copies of the agenda,
11 and upon request, any agenda item documents that are proposed
12 to be considered by the commission for action or decision at a
13 commission meeting.

14 (2) In addition, the commission shall publish the agenda, agenda
15 item documents, and adopted decisions in a manner that makes
16 copies of them easily available to the public, including publishing
17 those documents on the Internet. Publication of the agenda and
18 agenda item documents shall occur on the Internet at the same
19 time as the written agenda and agenda item documents are made
20 available to the public.

21 (b) The commission shall publish and maintain the following
22 documents on the Internet:

23 (1) Each of the commission's proposed and alternate proposed
24 decisions and resolutions, until the decision or resolution is adopted
25 and published.

26 (2) Each of the commission's adopted decisions and resolutions.
27 The publication shall occur within 10 days of the adoption of each
28 decision or resolution by the commission.

29 (3) The then-current version of the commission's general orders
30 and Rules of Practice and Procedure.

31 (4) Each of the commission's rulings. The commission shall
32 maintain those rulings on its Internet Web site until final
33 disposition, including disposition of any judicial appeals, of the
34 respective proceedings in which the rulings were issued.

35 (5) A docket card that lists, by title and date of filing or issuance,
36 all documents filed and all decisions or rulings issued in those
37 ~~proceedings~~ *proceedings, including the public versions of all*
38 *prepared written testimony and advice letter filings, protests, and*
39 *responses*. The commission shall maintain the docket card until

1 final disposition, including disposition of any judicial appeals, of
2 the corresponding proceedings.

3 *(c) The commission shall make the following information*
4 *available on the Internet:*

5 *(1) Information on how members of the public and ratepayers*
6 *can gain access to the commission's ratemaking process and*
7 *information regarding the specific matters to be decided.*

8 *(2) Information on the operation of the office of the public*
9 *advisor established in Section 321 and how the public advisor can*
10 *connect members of the public to persons responsible for specific*
11 *cases and matters to be decided.*

12 *SEC. 3. Section 910 of the Public Utilities Code is repealed.*

13 ~~910. The commission shall do all of the following:~~

14 ~~(a) Develop, publish, and annually update an annual workplan~~
15 ~~report that describes in clear detail the scheduled ratemaking~~
16 ~~proceedings and other decisions that may be considered by the~~
17 ~~commission during the calendar year. The workplan report shall~~
18 ~~include, but is not limited to, information on how members of the~~
19 ~~public and ratepayers can gain access to the commission's~~
20 ~~ratemaking process and information regarding the specific matters~~
21 ~~to be decided. The workplan report shall also include information~~
22 ~~on the operation of the office of the public advisor and identify~~
23 ~~the names and telephone numbers of those contact persons~~
24 ~~responsible for specific cases and matters to be decided. The~~
25 ~~workplan report shall also include a statement that specifies~~
26 ~~activities that the commission proposes to reduce the costs of, and~~
27 ~~rates for, energy, including electricity, and for improving the~~
28 ~~competitive opportunities for state agriculture and other rural~~
29 ~~energy consumers. The commission shall post the workplan report~~
30 ~~under the Official Documents area of its Internet Web site and~~
31 ~~shall develop a program to disseminate the information in the~~
32 ~~workplan report utilizing computer mailing lists to provide regular~~
33 ~~updates on the information to those members of the public and~~
34 ~~organizations that request the information.~~

35 ~~(b) Produce with the annual workplan report, a complete~~
36 ~~accounting of its transactions and proceedings for the preceding~~
37 ~~year, together with other facts, suggestions, and recommendations~~
38 ~~that it deems of value to the people of the state, and a statement~~
39 ~~that specifies the activities and achievements of the commission~~

1 ~~in reducing the costs of, and rates for, energy, including electricity,~~
2 ~~for state agriculture and other rural energy consumers.~~

3 ~~(e) Submit annually the workplan report to the Governor and~~
4 ~~Legislature no later than February 1 of each year.~~

5 SEC. 4. Section 910 is added to the Public Utilities Code, to
6 read:

7 910. (a) The commission shall develop, publish, and annually
8 update a report that contains all of the following information:

9 (1) A workplan that describes in clear detail the scheduled
10 proceedings and other decisions that may be considered by the
11 commission during the calendar year.

12 (2) Performance criteria for the commission and the executive
13 director, and an evaluation of the performance of the executive
14 director during the previous year based on criteria established in
15 the prior year's workplan.

16 (3) An accounting of the commission's transactions and
17 proceedings from the prior year, together with other facts,
18 suggestions, and recommendations that the commission deems of
19 value to the people of the state. The accounting shall include the
20 activities that the commission has taken, and plans to take, to
21 reduce the costs of, and the rates for, water and energy, including
22 electricity, to improve the competitiveness of the state's industries,
23 including agriculture, and, to the extent possible, shall include
24 suggestions and recommendations for the reduction of those costs
25 and rates.

26 (4) A description of activities taken and processes instituted to
27 both solicit the input of customers from diverse regions of the state
28 in ratesetting and quasi-legislative proceedings and to process
29 that input in a way that makes it usable in commission
30 decisionmaking. The report shall describe the successes and
31 challenges of these processes, the effect of resource constraints,
32 and efforts to be made during the calendar year to further the goal
33 of increased public participation.

34 (b) (1) The commission shall submit the report required
35 pursuant to subdivision (a) to the Governor and the Legislature,
36 in compliance with Section 9795 of the Government Code, no later
37 than February 1 of each year.

38 (2) The commission shall post the report in a conspicuous area
39 of its Internet Web site and shall have a program to disseminate
40 the information in the report using computer mailing lists to

1 *provide regular updates on the information to those members of*
2 *the public and organizations that request that information.*

3 *SEC. 5. Section 910.1 of the Public Utilities Code is amended*
4 *to read:*

5 910.1. The commission shall annually submit a report to the
6 Legislature on the ~~number of cases where resolution exceeded the~~
7 ~~time periods prescribed in scoping memos~~ *commission's timeliness*
8 *in resolving cases, information on the disposition of applications*
9 *for rehearings, and the days that commissioners presided in*
10 *hearings. The report shall include the number of scoping memos*
11 *issued in each proceeding and the number of orders issued*
12 *extending the statutory deadlines pursuant to subdivision (e) of*
13 *Section 1701.2, for all adjudication cases, and pursuant to*
14 *subdivision (a) of Section 1701.5, for all ratesetting or*
15 *quasi-legislative cases.*

16 *SEC. 6. Section 1701 of the Public Utilities Code is amended*
17 *to read:*

18 1701. (a) All hearings, investigations, and proceedings shall
19 be governed by this part and by rules of practice and procedure
20 adopted by the commission, and in the conduct thereof the technical
21 rules of evidence need not be applied. No informality in any
22 hearing, investigation, or proceeding or in the manner of taking
23 testimony shall invalidate any order, decision or rule made,
24 approved, or confirmed by the commission.

25 (b) Notwithstanding Section 11425.10 of the Government Code,
26 *Articles 1 through 15, inclusive, of Chapter 4.5 (commencing with*
27 *Section 11400) of Part 1 of Division 3 of Title 2 of the Government*
28 *Code does do not apply to a hearing by the commission under this*
29 *code. The Administrative Adjudication Code of Ethics (Article 16*
30 *(commencing with Section 11475) of Chapter 4.5 of Part 1 of*
31 *Division 3 of Title 2 of the Government Code) shall apply to*
32 *administrative law judges of the commission.*

33 *SEC. 7. Section 1711 is added to the Public Utilities Code, to*
34 *read:*

35 1711. *Where feasible and appropriate, except for adjudication*
36 *cases, before instituting a proceeding on its own motion, the*
37 *commission shall seek the views of those who are likely to be*
38 *affected, including those who are likely to benefit from, and those*
39 *who are potentially subject to, a decision in that proceeding. The*

1 *commission shall demonstrate its efforts to comply with this section*
2 *in the text of the order instituting the proceeding.*

3 ~~SECTION 1. Section 13300 of the Penal Code is amended to~~
4 ~~read:~~

5 ~~13300. (a) As used in this section:~~

6 ~~(1) “Local summary criminal history information” means the~~
7 ~~master record of information compiled by a local criminal justice~~
8 ~~agency pursuant to Chapter 2 (commencing with Section 13100)~~
9 ~~of Title 3 of Part 4 pertaining to the identification and criminal~~
10 ~~history of any person, such as name, date of birth, physical~~
11 ~~description, dates of arrests, arresting agencies and booking~~
12 ~~numbers, charges, dispositions, and similar data about the person.~~

13 ~~(2) “Local summary criminal history information” does not~~
14 ~~refer to records and data compiled by criminal justice agencies~~
15 ~~other than that local agency, nor does it refer to records of~~
16 ~~complaints to or investigations conducted by, or records of~~
17 ~~intelligence information or security procedures of, the local agency.~~

18 ~~(3) “Local agency” means a local criminal justice agency.~~

19 ~~(b) A local agency shall furnish local summary criminal history~~
20 ~~information to any of the following, when needed in the course of~~
21 ~~their duties, provided that when information is furnished to assist~~
22 ~~an agency, officer, or official of state or local government, a public~~
23 ~~utility, or any entity, in fulfilling employment, certification, or~~
24 ~~licensing duties, Chapter 1321 of the Statutes of 1974 and Section~~
25 ~~432.7 of the Labor Code shall apply:~~

26 ~~(1) The courts of the state.~~

27 ~~(2) Peace officers of the state, as defined in Section 830.1,~~
28 ~~subdivisions (a) and (d) of Section 830.2, subdivisions (a), (b),~~
29 ~~and (j) of Section 830.3, and subdivisions (a), (b), and (c) of~~
30 ~~Section 830.5.~~

31 ~~(3) District attorneys of the state.~~

32 ~~(4) Prosecuting city attorneys of a city within the state.~~

33 ~~(5) City attorneys pursuing civil gang injunctions pursuant to~~
34 ~~Section 186.22a, or drug abatement actions pursuant to Section~~
35 ~~3479 or 3480 of the Civil Code, or Section 11571 of the Health~~
36 ~~and Safety Code.~~

37 ~~(6) Probation officers of the state.~~

38 ~~(7) Parole officers of the state.~~

1 ~~(8) A public defender or attorney of record when representing~~
2 ~~a person in proceedings upon a petition for a certificate of~~
3 ~~rehabilitation and pardon pursuant to Section 4852.08.~~

4 ~~(9) A public defender or attorney of record when representing~~
5 ~~a person in a criminal case, or a parole, mandatory supervision, or~~
6 ~~postrelease community supervision revocation or revocation~~
7 ~~extension hearing, and when authorized access by statutory or~~
8 ~~decisional law.~~

9 ~~(10) An agency, officer, or official of the state when the local~~
10 ~~summary criminal history information is required to implement a~~
11 ~~statute, regulation, or ordinance that expressly refers to specific~~
12 ~~criminal conduct applicable to the subject person of the local~~
13 ~~summary criminal history information, and contains requirements~~
14 ~~or exclusions, or both, expressly based upon the specified criminal~~
15 ~~conduct.~~

16 ~~(11) A city, county, city and county, or district, or an officer or~~
17 ~~official thereof, when access is needed in order to assist the agency,~~
18 ~~officer, or official in fulfilling employment, certification, or~~
19 ~~licensing duties, and when the access is specifically authorized by~~
20 ~~the city council, board of supervisors, or governing board of the~~
21 ~~city, county, or district when the local summary criminal history~~
22 ~~information is required to implement a statute, regulation, or~~
23 ~~ordinance that expressly refers to specific criminal conduct~~
24 ~~applicable to the subject person of the local summary criminal~~
25 ~~history information, and contains requirements or exclusions, or~~
26 ~~both, expressly based upon the specified criminal conduct.~~

27 ~~(12) The subject of the local summary criminal history~~
28 ~~information.~~

29 ~~(13) A person or entity when access is expressly authorized by~~
30 ~~statute when the local summary criminal history information is~~
31 ~~required to implement a statute, regulation, or ordinance that~~
32 ~~expressly refers to specific criminal conduct applicable to the~~
33 ~~subject person of the local summary criminal history information,~~
34 ~~and contains requirements or exclusions, or both, expressly based~~
35 ~~upon the specified criminal conduct.~~

36 ~~(14) A managing or supervising correctional officer of a county~~
37 ~~jail or other county correctional facility.~~

38 ~~(15) Local child support agencies established by Section 17304~~
39 ~~of the Family Code. When a local child support agency closes a~~
40 ~~support enforcement case containing summary criminal history~~

1 ~~information, the agency shall delete or purge from the file and~~
2 ~~destroy any documents or information concerning or arising from~~
3 ~~offenses for or of which the parent has been arrested, charged, or~~
4 ~~convicted, other than for offenses related to the parents having~~
5 ~~failed to provide support for the minor children, consistent with~~
6 ~~Section 17531 of the Family Code.~~

7 ~~(16) County child welfare agency personnel who have been~~
8 ~~delegated the authority of county probation officers to access state~~
9 ~~summary criminal information pursuant to Section 272 of the~~
10 ~~Welfare and Institutions Code for the purposes specified in Section~~
11 ~~16504.5 of the Welfare and Institutions Code.~~

12 ~~(17) A humane officer appointed pursuant to Section 14502 of~~
13 ~~the Corporations Code, for the purposes of performing his or her~~
14 ~~duties. A local agency may charge a reasonable fee sufficient to~~
15 ~~cover the costs of providing information pursuant to this paragraph.~~

16 ~~(18) City, county, or city and county health services personnel~~
17 ~~who are engaged in efforts to identify and treat individuals who~~
18 ~~have alcohol abuse, substance abuse, or mental health issues, for~~
19 ~~the purpose of providing assessment, treatment, rehabilitation, or~~
20 ~~other health care to those individuals.~~

21 ~~(e) The local agency may furnish local summary criminal history~~
22 ~~information, upon a showing of a compelling need, to any of the~~
23 ~~following, provided that when information is furnished to assist~~
24 ~~an agency, officer, or official of state or local government, a public~~
25 ~~utility, or any entity, in fulfilling employment, certification, or~~
26 ~~licensing duties, Chapter 1321 of the Statutes of 1974 and Section~~
27 ~~432.7 of the Labor Code shall apply:~~

28 ~~(1) A public utility, as defined in Section 216 of the Public~~
29 ~~Utilities Code, which operates a nuclear energy facility when access~~
30 ~~is needed to assist in employing persons to work at the facility,~~
31 ~~provided that, if the local agency supplies the information, it shall~~
32 ~~furnish a copy of this information to the person to whom the~~
33 ~~information relates.~~

34 ~~(2) To a peace officer of the state other than those included in~~
35 ~~subdivision (b):~~

36 ~~(3) An animal control officer, authorized to exercise powers~~
37 ~~specified in Section 830.9, for the purposes of performing his or~~
38 ~~her official duties. A local agency may charge a reasonable fee~~
39 ~~sufficient to cover the costs of providing information pursuant to~~
40 ~~this paragraph.~~

1 ~~(4) To a peace officer of another country.~~

2 ~~(5) To public officers, other than peace officers, of the United~~
3 ~~States, other states, or possessions or territories of the United~~
4 ~~States, provided that access to records similar to local summary~~
5 ~~criminal history information is expressly authorized by a statute~~
6 ~~of the United States, other states, or possessions or territories of~~
7 ~~the United States when this information is needed for the~~
8 ~~performance of their official duties.~~

9 ~~(6) To a person when disclosure is requested by a probation,~~
10 ~~parole, or peace officer with the consent of the subject of the local~~
11 ~~summary criminal history information and for purposes of~~
12 ~~furthering the rehabilitation of the subject.~~

13 ~~(7) The courts of the United States, other states, or territories~~
14 ~~or possessions of the United States.~~

15 ~~(8) Peace officers of the United States, other states, or territories~~
16 ~~or possessions of the United States.~~

17 ~~(9) To an individual who is the subject of the record requested~~
18 ~~when needed in conjunction with an application to enter the United~~
19 ~~States or any foreign nation.~~

20 ~~(10) A public utility, as defined in Section 216 of the Public~~
21 ~~Utilities Code, when access is needed to assist in employing~~
22 ~~persons who will be seeking entrance to private residences in the~~
23 ~~course of their employment. The information provided shall be~~
24 ~~limited to the record of convictions and any arrest for which the~~
25 ~~person is released on bail or on his or her own recognizance~~
26 ~~pending trial.~~

27 ~~If the local agency supplies the information pursuant to this~~
28 ~~paragraph, it shall furnish a copy of the information to the person~~
29 ~~to whom the information relates.~~

30 ~~Any information obtained from the local summary criminal~~
31 ~~history is confidential and the receiving public utility shall not~~
32 ~~disclose its contents, other than for the purpose for which it was~~
33 ~~acquired. The local summary criminal history information in the~~
34 ~~possession of the public utility and all copies made from it shall~~
35 ~~be destroyed 30 days after employment is denied or granted,~~
36 ~~including any appeal periods, except for those cases where an~~
37 ~~employee or applicant is out on bail or on his or her own~~
38 ~~recognizance pending trial, in which case the state summary~~
39 ~~criminal history information and all copies shall be destroyed 30~~
40 ~~days after the case is resolved, including any appeal periods.~~

1 ~~A violation of any of the provisions of this paragraph is a~~
2 ~~misdemeanor, and shall give the employee or applicant who is~~
3 ~~injured by the violation a cause of action against the public utility~~
4 ~~to recover damages proximately caused by the violation.~~

5 ~~This section does not impose any duty upon public utilities to~~
6 ~~request local summary criminal history information on any current~~
7 ~~or prospective employee.~~

8 ~~Seeking entrance to private residences in the course of~~
9 ~~employment is a “compelling need” as required to be shown in~~
10 ~~this subdivision.~~

11 ~~(11) A city, county, city and county, or district, or an officer or~~
12 ~~official thereof, if a written request is made to a local law~~
13 ~~enforcement agency and the information is needed to assist in the~~
14 ~~screening of a prospective concessionaire, and any affiliate or~~
15 ~~associate thereof, as these terms are defined in subdivision (k) of~~
16 ~~Section 432.7 of the Labor Code, for the purposes of consenting~~
17 ~~to, or approving of, the prospective concessionaire’s application~~
18 ~~for, or acquisition of, any beneficial interest in a concession, lease,~~
19 ~~or other property interest.~~

20 ~~Any local government’s request for local summary criminal~~
21 ~~history information for purposes of screening a prospective~~
22 ~~concessionaire and their affiliates or associates before approving~~
23 ~~or denying an application for, or acquisition of, any beneficial~~
24 ~~interest in a concession, lease, or other property interest is deemed~~
25 ~~a “compelling need” as required by this subdivision. However,~~
26 ~~only local summary criminal history information pertaining to~~
27 ~~criminal convictions may be obtained pursuant to this paragraph.~~

28 ~~Any information obtained from the local summary criminal~~
29 ~~history is confidential and the receiving local government shall~~
30 ~~not disclose its contents, other than for the purpose for which it~~
31 ~~was acquired. The local summary criminal history information in~~
32 ~~the possession of the local government and all copies made from~~
33 ~~it shall be destroyed not more than 30 days after the local~~
34 ~~government’s final decision to grant or deny consent to, or approval~~
35 ~~of, the prospective concessionaire’s application for, or acquisition~~
36 ~~of, a beneficial interest in a concession, lease, or other property~~
37 ~~interest. This section does not impose any duty upon a local~~
38 ~~government, or any officer or official thereof, to request local~~
39 ~~summary criminal history information on any current or prospective~~
40 ~~concessionaire or their affiliates or associates.~~

1 ~~(12) A public agency described in subdivision (b) of Section~~
2 ~~15975 of the Government Code, for the purpose of oversight and~~
3 ~~enforcement policies with respect to its contracted providers.~~

4 ~~(d) Whenever an authorized request for local summary criminal~~
5 ~~history information pertains to a person whose fingerprints are on~~
6 ~~file with the local agency and the local agency has no criminal~~
7 ~~history of that person, and the information is to be used for~~
8 ~~employment, licensing, or certification purposes, the fingerprint~~
9 ~~card accompanying the request for information, if any, may be~~
10 ~~stamped “no criminal record” and returned to the person or entity~~
11 ~~making the request.~~

12 ~~(e) A local agency taking fingerprints of a person who is an~~
13 ~~applicant for licensing, employment, or certification may charge~~
14 ~~a fee to cover the cost of taking the fingerprints and processing~~
15 ~~the required documents.~~

16 ~~(f) Whenever local summary criminal history information~~
17 ~~furnished pursuant to this section is to be used for employment,~~
18 ~~licensing, or certification purposes, the local agency shall charge~~
19 ~~the person or entity making the request a fee which it determines~~
20 ~~to be sufficient to reimburse the local agency for the cost of~~
21 ~~furnishing the information, provided that no fee shall be charged~~
22 ~~to a public law enforcement agency for local summary criminal~~
23 ~~history information furnished to assist it in employing, licensing,~~
24 ~~or certifying a person who is applying for employment with the~~
25 ~~agency as a peace officer or criminal investigator. A state agency~~
26 ~~required to pay a fee to the local agency for information received~~
27 ~~under this section may charge the applicant a fee sufficient to~~
28 ~~reimburse the agency for the expense.~~

29 ~~(g) Whenever there is a conflict, the processing of criminal~~
30 ~~fingerprints shall take priority over the processing of applicant~~
31 ~~fingerprints.~~

32 ~~(h) It is not a violation of this article to disseminate statistical~~
33 ~~or research information obtained from a record, provided that the~~
34 ~~identity of the subject of the record is not disclosed.~~

35 ~~(i) It is not a violation of this article to include information~~
36 ~~obtained from a record in (1) a transcript or record of a judicial or~~
37 ~~administrative proceeding or (2) any other public record when the~~
38 ~~inclusion of the information in the public record is authorized by~~
39 ~~a court, statute, or decisional law.~~

1 (j) ~~Notwithstanding any other law, a public prosecutor may, in~~
2 ~~response to a written request made pursuant to Section 6253 of~~
3 ~~the Government Code, provide information from a local summary~~
4 ~~criminal history, if release of the information would enhance public~~
5 ~~safety, the interest of justice, or the public's understanding of the~~
6 ~~justice system and the person making the request declares that the~~
7 ~~request is made for a scholarly or journalistic purpose. If a person~~
8 ~~in a declaration required by this subdivision willfully states as true~~
9 ~~any material fact that he or she knows to be false, he or she shall~~
10 ~~be subject to a civil penalty not exceeding ten thousand dollars~~
11 ~~(\$10,000). The requestor shall be informed in writing of this~~
12 ~~penalty. An action to impose a civil penalty under this subdivision~~
13 ~~may be brought by any public prosecutor and shall be enforced as~~
14 ~~a civil judgment.~~

15 (k) ~~Notwithstanding any other law, the Department of Justice~~
16 ~~or any state or local law enforcement agency may require the~~
17 ~~submission of fingerprints for the purpose of conducting summary~~
18 ~~criminal history information record checks which are authorized~~
19 ~~by law.~~

20 (l) ~~A local criminal justice agency may release, within five years~~
21 ~~of the arrest, information concerning an arrest or detention of a~~
22 ~~peace officer or applicant for a position as a peace officer, as~~
23 ~~defined in Section 830, which did not result in conviction, and for~~
24 ~~which the person did not complete a postarrest diversion program~~
25 ~~or a deferred entry of judgment program, to a government agency~~
26 ~~employer of that peace officer or applicant.~~

27 (m) ~~A local criminal justice agency may release information~~
28 ~~concerning an arrest of a peace officer or applicant for a position~~
29 ~~as a peace officer, as defined in Section 830, which did not result~~
30 ~~in conviction but for which the person completed a postarrest~~
31 ~~diversion program or a deferred entry of judgment program, or~~
32 ~~information concerning a referral to and participation in any~~
33 ~~postarrest diversion program or a deferred entry of judgment~~
34 ~~program to a government agency employer of that peace officer~~
35 ~~or applicant.~~

36 (n) ~~Notwithstanding subdivision (l) or (m), a local criminal~~
37 ~~justice agency shall not release information under the following~~
38 ~~circumstances:~~

39 (1) ~~Information concerning an arrest for which diversion or a~~
40 ~~deferred entry of judgment program has been ordered without~~

1 attempting to determine whether diversion or a deferred entry of
2 judgment program has been successfully completed.

3 (2) Information concerning an arrest or detention followed by
4 a dismissal or release without attempting to determine whether the
5 individual was exonerated.

6 (3) Information concerning an arrest without a disposition
7 without attempting to determine whether diversion has been
8 successfully completed or the individual was exonerated.

9 SEC. 2. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.